



JOHN BEN SHEPPERD
ATTORNEY GENERAL

THE ATTORNEY GENERAL
OF TEXAS

AUSTIN 11, TEXAS

March 2, 1955

Honorable Weldon B. Davis
County Attorney
Austin County
Bellville, Texas

Opinion No. MS-180

Re: Vacancies in the office of
County Judge and Justices of
the Peace for Precincts Two
and Four

Dear Mr. Davis:

You have requested an opinion on the above subject matter.
Your specific question is:

When an appointment is made to fill a vacancy in the office of
County Judge or in the office of Justice of the Peace for Precinct Two and
Four, how long will the person appointed now serve under such appointment?

Section 28 of Article V of the Constitution of Texas provides:

"... and vacancies in the office of County Judge
and justices of the peace shall be filled by the Commis-
sioners' Court until the next general election for such
offices."

Section 65 of Article XVI of the Constitution of Texas provides:

"The following officers elected at the general election
in November, 1954, and thereafter, shall serve for the full
terms provided in this Constitution:

"(a) District Clerks; (b) County Clerks; (c)
County Judges; (d) Judges of County Courts-at-
law, County Criminal Courts, County Probate
Courts, and County Domestic Relations Courts;
(e) County Treasurers; (f) Criminal District
Attorneys; (g) County Surveyors; (h) Inspectors
of Hides and Animals; (i) County Commissioners
for Precincts Two and Four; (j) Justices of the
Peace."

*Superseded by art 5,
Sec. 28, 24. Const. as
amended by H.J.R. 30
55th Leg
1959*

*Sustained by Roveland v.
Drake 291 SW 2d 349
Dallas Ct of Civ app
1956*

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Section 28 of Article V of our State Constitution must be construed in conjunction with the provisions of the recent amendment contained in the provisions of Section 65 of Article XVI of our State Constitution above quoted. Ex parte Sanders, 147 Tex. 248, 215 S.W. 2d 325(1948).

It is noted that under the provisions of Section 65 of Article XVI the County Judge and Justices of the Peace for Precincts Two and Four who were elected at the November election in 1954 will serve for a term of four years ending January 1, 1959. The next general election for these offices will be in November, 1958. Therefore, vacancies now occurring in the office of County Judge and Justices of the Peace must be filled by the Commissioners' Court and the persons so appointed will serve until the general election in November, 1958.

Yours very truly,

John Reeves
Assistant Attorney General

JR:cs:egw